

Major Objectives

Ex. 5 Deliberative Process (DP)

Anticipated Program Activities

Water Quality Standards

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

303(d)

Ex. 5 Deliberative Process (DP)

TMDLs

Ex. 5 Deliberative Process (DP)

- Expected Actions 2019

Ex. 5 Deliberative Process (DP)

- Anacostia Trash (DC and MD) Draft TMDL development – EPA lead

Ex. 5 Deliberative Process (DP)

Ex. 5 Attorney Work Product (AWP)

Active Cases:

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

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7. Anacostia Trash TMDL: The NRDC filed a lawsuit on September 19, 2016 seeking vacatur of EPA's approval of the Anacostia Trash TMDL. On March 30, 2018, Judge John D. Bates (D.D.C) vacated EPA's 2010 approval of a TMDL for trash in the Anacostia River, developed jointly by MD and DC, because the TMDL was expressed as a quantity of trash to remove from the waterway as opposed to a quantity of allowable trash in the waterway. The existing TMDL remains in effect until EPA approves a replacement TMDL. EPA, MD, and DC have committed to work together to revise the TMDL. On 7/2/2018 and 1/4/2019, EPA filed a status report informing the Court of EPA's and the jurisdictions' progress. On August 24, 2018, EPA published a notice in the Federal Register soliciting data and information from the public on trash in the Anacostia River watershed. EPA received data from multiple DC government entities, Montgomery County, Maryland DNR, and NGOs.

Status: EPA is working in coordination with MD and DC to evaluate the data and determine the extent of work needed for the TMDL revision. EPA is in the process of deciding whether a contractor is needed for technical support during the development of the revised TMDL.

Staff: Jillian Adair (WPD), Micka Peck (WPD), and Stef Shamet (ORC)

Ex. 5 Attorney Work Product (AWP)

Settled/Stayed Cases:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Stayed/In Abeyance Cases:

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

Dismissed Cases:

12. Kiski TMDL: Latrobe Specialty Metals Co. filed a complaint on January 29, 2016 against EPA for its 2010 establishment of the acid mine drainage TMDLs for the Kiskiminetas-Conemaugh River Watershed.

Status: On August 30, 2018, Latrobe filed a Notice of Voluntary Dismissal which ends this litigation. ORC and WPD NPDES and TMDL staff worked closely together in settlement discussions with Latrobe, and coordinated with PADEP ultimately leading to dismissal of this

case. As part of the overall resolution, PADEP reissued Latrobe's NPDES permit with terms consistent with the TMDL, and also finalized a related enforcement settlement.

Staff: Ashley Toy (WPD) and Chris Day (ORC)

Potential Litigation:

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)